

Message Text

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ACTION L-03

INFO OCT-01 NEA-14 ISO-00 AID-20 EUR-06 RSC-01 DRC-01

SCA-01 /047 W

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R 071440Z MAY 74

FM AMEMBASSY CAIRO

TO SECSTATE WASHDC 6547

UNCLAS CAIRO 2920

DEPT PASS AID

E.O. 11652: N/A

TAGS: PFOR AFSP EG SU

SUBJ: COURT CASE AGAINST LEGAL REPRESENTATIVE US

INTEREST SECTION, CAIRO

REF: (A) CAIRO 665, MARCH 1971

1. EMBASSY HAS RECEIVED FROM THE MFA NOTE NO. 6961/167 DATED APRIL 9, 1974, TRANSMITTING COPY OF THE HEARING OF JANUARY 29, 1974, HELD BY THE SOLICITOR GENERAL OF THE PRELIMINARY COURT OF ALEXANDRIA CONCERNING CLAIM FILED AGAINST "THE LEGAL REPRESENTATIVE OF THE UNITED STATES INTERESTS SECTION OF THE SPANISH EMBASSY LOCATED AT 5 LATIN AMERICA STREET, CAIRO, " FOR STORAGE CHARGES CONCERNING "KELSH PLOTTER." THESE WERE TO BE SHIPPED TO USAID KHARTOUM IN 1967 BUT WERE NOT SHIPPED DUE TO THE 1967 WAR AND REMAINED IN THE WAREHOUSE OF THE NATIONAL TRANSPORT COMPANY INCURRING STORAGE CHARGES. US GOVERNMENT NEVER PAID FOR THE PLOTTERS AND HAS STEADFASTLY DENIED ANY RESPONSIBILITY FOR THEIR STORAGE OR DISPOSITION.

2. AT THE JANUARY 29, 1974, HEARING ALEXANDRIA COURT ALLEGEDLY RENDERED JUDGEMENT THAT THE SUM OF L.E. 700 (U.S. DOLLARS 1260.00) PLUS INTEREST AT THE RATE OF 5 PERCENT FROM THE DATE OF FILING THE CLAIM PLUS EXPENSES
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WOULD HAVE TO PAID BY THE ACCUSED IF HE FAILED

TO APPEAR AT THE HEARING SCHEDULED FOR APRIL 16, 1974.

3. THE EMBASSY HAS NO RECORD THAT IT EVER RECEIVED A NOTICE CONCERNING THE JANUARY 29 HEARING BUT WE WERE INFORMED ABOUT THE APRIL 16 HEARING. DUE TO A TRANSLATOR'S OVERSIGHT, HOWEVER, THIS MATTER WAS NOT BROUGHT TO THE AMBASSADOR'S ATTENTION UNTIL TODAY, MAY 7.

4. THIS CASE HAS GONE ON FOR SEVERAL YEARS AND AERO SERVICE CORPORATION OF PHILADELPHIA, PENNSYLVANIA, WHICH ACCORDING TO THE USG OWNS THE PLOTTERS, HAS NEVER TAKEN ACTION TO SETTLE THE CLAIM. NATIONAL TRANSPORT CO. CLAIMS THAT US OFFICIAL AT THE CONSULATE GENERAL IN ALEXANDRIA HAD PREVAILED UPON FIRM TO HANDLE THE SHIPPING AND THAT AN AGENT RELATIONSHIP THEREFORE EXISTED WITH THE US GOVERNMENT. THE SUM INVOLVED IS NOT GREAT; THERE SEEMS TO HAVE BEEN A GENUINE MISUNDERSTANDING ON THE PART OF NATIONAL TRANSPORT AND WE RECOMMEND THAT WE BE AUTHORIZED TO SETTLE THIS CLAIM UNDER AID TORT CLAIM PROVISIONS DESCRIBED IN 2 FAM 281B RATHER THAN CARRY ON EXTENDED LEGAL MANEUVERS WHICH WILL CERTAINLY COST AS MUCH AND PROBABLY MORE IN TIME AND EFFORT.

5. AS A SEPARATE MATTER AND QUITE INDEPENDENT OF THE ABOVE RECOMMENDATION, WE REQUEST INSTRUCTIONS ON WHAT REPLY TO GIVE TO MFA RE ACCEPTANCE OR NON-ACCEPTANCE OF ALEXANDRIA TRIBUNAL'S COMPETENCE AND OR ANY FUTURE SUMMONS WHICH ALEXANDRIA OR APPELATE COURT MAY SEEK TO SEND TO US ON THIS MATTER.
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